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**Illinois Department  
of Transportation**

# UTILITY PERMIT

Public Improvement Yes ☒ No  
IDOT Permit No. 3-8078-02  
Utility Reference No. D3-13-02

I (We) ComEd Real Estate Dept., Three Lincoln Centre  
Name of Applicant Mailing Address

Oakbrook Terrace IL 60181-4260 hereinafter termed the Permittee.  
City State & Zip

request permission and authority to occupy, and to do certain work herein described on, the right-of-way of the State highway

known as U.S. ROUTE 6 Section 33

from W/O LISBON STREET to \_\_\_\_\_ in GRUNDY County. The work  
is described in detail below and/or on the attached sketch or plans.

Section No: 33, SARATOGA TOWNSHIP, GRUNDY COUNTY, IL MS 351

Description of Work: REPLACE WEDGE CONNECTION ON JUMPER.

Reason for Work: SYSTEM REINFORCEMENT.

This permit covers the operation and presence of specified equipment, material or facility on the right-of-way that may be related to the authorized work. A copy must be present when crews or equipment occupy highway right-of way.

This permit is subject to conditions and restrictions of Part 630 of Title 92 of the Illinois Administrative Code, Accommodation of Utilities on Right-of-Way of the Illinois State Highway System. The removal, relocation or modification of facilities permitted to occupy the right-of-way is governed by Section 9-113 of the Illinois Highway Code, as amended by Public Act 92-0470. The Permittee agrees to comply with the requirements of these laws and with all terms and conditions established by this permit. This permit is subject to revocation by the Department on violation of the terms and conditions governing its use.

*Jerome J. Kuempel*

Signature of Agent for Permittee

5-2-02

Date

Jerome J. Kuempel

Name of Permittee (Print or Type)

ComEd-Real Estate Dept., Three Lincoln Centre

Mailing Address

Oakbrook Terrace

IL 60181-4260

City

State

Zip

DATE	TIME	ACT	OPERATIONS ENGINEER	SCENE & LEVEL ENGINEER	FIELD ENGINEER	ELECTRICIAN	TRAFFIC CONTROL ENGINEER	DESIGN & CONSTRUCTION ENGINEER	PERMITTEE	SUPERVISOR	CONTRACTOR	DATE
MAY - 9-02												3

The work authorized by this permit shall be completed within 180 days (by \_\_\_\_\_) after the date of approval by the Department otherwise the permit will be considered null and void.

Public Improvement Projects only: The anticipated letting date is \_\_\_\_\_

This permit allowing occupancy and work on state right-of-way is approved. The Utility Coordination Council established by the Department in the area covered by this permit is \_\_\_\_\_

*James J. Berch*  
Department of Transportation

MAY 13 2002  
Date

IACE  
Exhibit No. 5

This permit is subject to the conditions and restrictions established in accordance with the Illinois Highway Code and Part 530 of Title 92 of the Illinois Administrative Code including but not limited to the following:

- (1) The applicant represents all parties in interest and shall furnish material, do all work, pay all costs and shall in a reasonable length of time restore the damaged portions of the highway to a condition similar or equal to that existing before the commencement of the described work, including any landscape restoration necessary. (See Section 530.250 of Title 92).
- (2) The proposed work shall be located and construction to the satisfaction of the District Engineer or his duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the District Engineer or his duly authorized representative (See Section 530.200 of Title 92). In certain circumstances the Department may require that the construction plans and/or the as-built documents be sealed by an Illinois Registered Professional Engineer. Typical of such projects would be petroleum or gas pipelines.
- (3) The applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers, etc., required for traffic control shall be furnished by the applicant. (See Section 530.240 of Title 92).
- (4) The applicant must ascertain the presence of Highway Authority Agreements established in accordance with 35 Ill. Admin. Code Section 742.1020 in the path of its proposed installation and take precautions to protect its workers, human health and the environment in those areas. (See Section 530.240 of Title 92). Where contamination is encountered through excavation in the ROW, it should be managed offsite and IDOT's generator number for the appropriate county may be used.
- (5) The applicant shall not trim, cut or in any way disturb any trees or shrubbery along the highway without the approval of the District Engineer or his duly authorized representative. (See Section 530.600 of Title 92).
- (6) The facilities authorized to occupy the right-of-way by this permit are subject to removal, relocation or modification by the permittee at no expense to the State on notice given by the Department in accordance with Section 9-113 of the Illinois Highway Code, as amended. Participation by the permittee in the UTILITY Coordination Council identified on page one of this permit is required as a condition of this permit. Permittee shall cooperate with the Department with the scheduling of any removal, relocation or modification deemed necessary for highway or highway safety purposes, and, if Utility Coordination Council participation is required by this permit, with the activities of the council identified on the first page of this permit. (See Section 9-113 of the Illinois Highway Code.) Use of and compliance with current IDOT Traffic Control Standards will be required.
- (7) If the applicant and the District cannot agree either on whether the permit should be issued or on what conditions would be appropriate, the applicant may, within 30 days of the issuance of written notice of the District's position, appeal the District's determination to the Chief of the Department's Central Bureau of Operations. (See Section 530.900 of Title 92).
- (8) The permittee agrees to fully comply with the following legal obligations in advance of entering and while upon any Right-of-way within the Illinois State Highway System.
  - a) Only a permit issued by the Department under this Part will satisfy the "written consent" requirement of Section 9-113 of the Illinois Highway Code (the Code).
  - b) A permit from the Department grants a license only to undertake certain activities in accordance with this Part on a State right-of-way, and does not create a property right or grant authority to the permittee to impinge on the rights of others who may have an interest in the right-of-way. Such others might include an owner of an underlying fee simple interest if the right-of-way is owned as an easement or dedication of right of way, an owner of an easement, or another permittee.
  - c) It shall be the responsibility of the permittee to ascertain the presence and location of existing above-ground or

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underground facilities on the highway right-of-way to be occupied by their proposed facilities. The Department will make its permit records available to a permittee for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Department, a permittee shall locate, physically mark, and indicate the depth of its underground facilities within 48 hours excluding weekends and holidays.

★ d) The permittee shall avoid conflicts with any existing underground or above-ground facilities on or near the highway right-of-way. Both the Department and J.U.L.I.E. are to be contacted for assistance during the application process.

e) The permittee shall comply with all other applicable laws relating to the placement of utility lines.

f) The issuance of a utility permit by the Department does not excuse the permittee from complying with any existing statutes, local regulations or requirements of other Department (e.g., oversize and overweight vehicles) or the requirements of other State agencies including, but not limited to, the following:

Illinois Commerce Commission  
Illinois Department of Agriculture  
Illinois Department of Natural Resources  
Illinois Department of Mines and Minerals  
Illinois Environmental Protection Agency  
Illinois Historic Preservation Agency

g) Rights of abutting and underlying property owners are protected by common law and Sections 9-113 and 9-127 of the Code. The permittee will address these rights prior to initiating activities on State right-of-way. The Department will not be a party in any negotiations between the utility and abutting property owners.

h) In no case shall the permit give or be construed to give an entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the State highway right-of-way.

i) Each person responsible for a utility, in place on the effective date of this Part, on a State highway right-of-way shall notify the Department in writing, if that facility does not comply with this Part. The Department shall treat such a notice as a request for a variance under Section 530.130. Until informed that a variance will not be granted, a person responsible for a pre-existing utility will not be in violation of this Part. The failure to provide such notice constitutes a violation of this Part and of the utility accommodation permit (if any) and would justify the imposition of the sanctions set forth in Section 530.810.

Work to be coordinated with Department Representatives:

STEVE NIEMANN

Phone 815 942-0351

Phone ( )

Utility Contact Person: Jerome J. Kuempel

Phone (530)437-2212

Work to be done by:

Contractor: \_\_\_\_\_

Daytime Phone: ( )

Emergency Phone: ( )

Traffic control operation:

Number of lane closures: ONE

Time of closures: 9:00 A.M.-3:30 P.M.